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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,474	08/22/2006	Graham Mowbray	17480P037	9904

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EXAMINER

LE, DAVID D

ART UNIT	PAPER NUMBER
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3655

MAIL DATE	DELIVERY MODE
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11/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,474	Applicant(s) MOWBRAY ET AL.	
	Examiner David D. Le	Art Unit 3655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☒ Claim(s) 6, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first Office action on the merits of Application No. 10/565,474, filed on 22 August 2006. Claims 1-15 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
 - Copies of Foreign Priority Documents, received on 01/20/06
 - Declaration and Power of Attorney, received on 08/22/06

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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4. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 1826.

Claim Objections

5. Claims 6, 14 and 15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6, 14 and 15 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-5 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent Application Publication No. US 2002/0129671 A1 to Yamasaki et al. (hereinafter referred to as Yamasaki).**

Claims 1-5 and 7-13:

Yamasaki (Figs. 1-10; paragraphs [0004] – [0057]) discloses a transmission comprising:

- An input shaft (i.e., Fig. 8, element SE);
- An output shaft (i.e., Fig. 8, element SO) coaxial with the input shaft;
- A first gear train for transmitting drive from the input shaft to the output shaft at a first gear ratio (i.e., Fig. 8);
- A second gear train for transmitting drive from the input shaft to the output shaft at a second gear ratio (i.e., Fig. 8);
- A first friction clutch (i.e., Fig. 8, element C1) operable to engage/disengage the first gear train;
- A second friction clutch (i.e., Fig. 8, element C2) operable to engage/disengage the second gear train;
- Wherein the input shaft is isolated from driving interconnection with the output shaft by disengagement of both clutches (i.e., Fig. 8);
- Wherein in shifting between the first gear ratio and the second gear ratio one of the friction clutches is disengaged using controlled slippage while the other friction clutch is engaged using controlled slippage (i.e., Fig. 3 and paragraph [0043]);
- Wherein the first gear train includes a lay shaft (i.e., Fig. 8, element SI) which is in driven engagement with the input shaft when the first friction clutch is engaged for operation at the first gear ratio, and wherein the lay shaft is isolated from direct driven engagement with the input shaft by disengagement of the first friction clutch (i.e., Fig. 8);

- Wherein the output shaft and input shaft are linked via the lay shaft which extends parallel to the input and output shafts (i.e., Fig. 8);
- Wherein gears of the input shaft and output shaft for transmitting drive to and from the lay shaft are located between the friction clutches and an output end of the output shaft (i.e., Fig. 8);
- Wherein a one-way clutch (i.e., Fig. 7, element OWC) is incorporated in the first gear train;
- Wherein the gear trains are selected to provide a higher gearing and/or a lower gearing of the lay shaft when the second clutch is engaged (i.e., paragraphs [0005] to [0057]);
- A control system for controlling the first and second clutches (i.e., Fig. 3 and paragraph [0043]);
- A sensor for measuring the speed of the output shaft (i.e., paragraph [0043]); and
- A hydraulic system commonly including at least a control valve and electro-hydraulic solenoid for controlling clutch slip (i.e., Fig. 2; paragraphs [0035] to [0041]).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Kobayashi (U. S. Patent No. 6,826,974) teaches an automatic transmission, as shown in Fig. 1.
- Hirt (U. S. Patent No. 6,755,089) teaches a double clutch transmission, as shown in Fig. 1.
- Sperber et al. (U. S. Patent No. 6,209,406) teaches a double clutch transmission, as shown in Fig. 1.
- Vernea (U. S. Patent No. 5,494,466) teaches a transmission, as shown in Fig. 3.
- Zaiser et al. (U. S. Patent No. 5,181,431) teaches a double clutch transmission, as shown in Fig. 1.
- T. C. Coykendall (U. S. Patent No. 1,701,403) teaches a system of marine propulsion, as shown in Fig. 1.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0900-1730).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David D. Le/
Primary Examiner, Art Unit 3655
11/21/2008

ddl